

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Agenda May 27, 2014 7:00 P.M.

Call to Order -

Roll Call-

Invocation given by Marbelys Fatjo, Acting City Clerk

Pledge of Allegiance led by Councilwoman Vivian Casals-Muñoz

Meeting Guidelines

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

- Presentation of Citizen Recognition of Excellence awards by Mayor Carlos Hernandez and the Hialeah Fire Department.

1. Announcement of Amendments/Corrections to the Agenda –

2. Consent Agenda—

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A.** Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on May 13, 2014. (OFFICE OF THE CITY CLERK)
- B.** Request permission to increase purchase order # 2014-643, since it advantageous to the City, issued to Above All Garage Door of South Florida, Inc., for the purchase of additional parts necessary for the 300 Units entry gates in order to comply with the Fire Department's permit requirements, by an additional amount of \$2,150, for a new total cumulative amount not to exceed \$24,435. (CONSTRUCTION AND MAINTENANCE DEPT.)
- C.** Request permission to award Hialeah Bid No. 2013/14-3230-00-016 and issue a purchase order to Max Services & Construction Corp., lowest responsive bidder, for painting and waterproofing of the police headquarters, in a total cumulative amount not to exceed \$55,600, inclusive of a \$10,000 contingency to cover the cost of any unforeseen repairs to damaged stucco that may arise. (CONSTRUCTION AND MAINTENANCE DEPT.)
- D.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City of Hialeah, to execute an Installment Payment Agreement with Everbank Commercial Finance, Inc. to finance the purchase of software products and services as set forth in the License Agreement with Infor Public Sector, Inc. and the Master Services Agreement with AVAAP USA INC., a copy of the Installment Payment Agreement is attached hereto as "Exhibit 1", and to execute any other contracts, agreements or documents necessary to give effect to the intent of the parties as set forth in the installment payment agreement. (INFORMATION TECHNOLOGY DEPT.)
- E.** Request permission to utilize a contract between the State of Florida, Department of Management Services and Zoll Medical (National Association of State Procurement Officials / State of Oklahoma - Award No. #SW300 – Defibrillators and Related Equipment), and issue a purchase order to Zoll Medical Corporation, to purchase medical equipment, in a total cumulative amount not to exceed \$524,920.20. (FIRE DEPT.)
- F.** Request permission to increase purchase order # 2014-100, since it advantageous to the City, issued to Rainbow Transmission & Auto Center Inc., for Allison transmission rebuilds, by an additional amount of \$18,000, for a new total cumulative amount not to exceed \$48,000. Pursuant to Hialeah Bid # 2013/14-3220-12-010 this vendor was awarded Allison Transmission Rebuilds on December 10, 2013. (FLEET MAINTENANCE DEPT.)
- G.** Request permission to increase purchase order # 2014-113, since it advantageous to the City, issued to Miami Lakes AM, LLC d/b/a Miami Lakes Chevrolet, to purchase Chevrolet parts and accessories for City vehicles, by an additional amount of \$12,000, for a new total cumulative amount not to exceed \$27,000.

- H.** Request permission to increase purchase order # 2014-127, since it is advantageous to the City, issued to Knapheide Truck Equipment Company Southeast, to purchase parts and accessories for City trucks, by an additional amount of \$10,000, for a total cumulative amount not to exceed \$25,000. (FLEET MAINTENANCE DEPT.)
- I.** Request permission to increase purchase order # 2014-154, since it is advantageous to the City, issued to Florida Powertrain & Hydraulics, Inc., for hydraulic repairs and parts, by an additional amount of \$30,000, for a new total cumulative amount not to exceed \$60,000. (FLEET MAINTENANCE DEPT.)
- J.** Request permission to increase purchase order # 2014-225, since it is advantageous to the City, issued to Tropic Oil Company, to purchase oil and lubricants for City vehicles, by an additional amount of \$35,000, for a new total cumulative amount not to exceed \$85,000. (FLEET MAINTENANCE DEPT.)
- K.** Request permission to increase purchase order # 2014-74, since it is advantageous to the City, issued to Trimline Graphics International, Inc., for the purchase of decals for City of Hialeah police vehicles, by an additional amount of \$5,500, for a new total cumulative amount not to exceed \$15,000. (FLEET MAINTENANCE DEPT.)
- L.** Request permission to increase purchase order # 2014-432, since it is advantageous to the City, issued to Maga Hardware Distributors Inc., to purchase general hardware for various sites, for a new total cumulative amount not to exceed \$2,000. (DEPT. OF PARKS AND RECREATION)
- M.** Request permission to utilize the pricing of the Florida Sheriffs Association & Florida Association of Counties, 15 Passenger Van, Specification #32, 2014 Chevrolet Express 3500 (CG33706), and issue a purchase order to Stingray Chevrolet, LLC, to purchase a 2014 Chevrolet Express 3500, for a total cumulative amount not to exceed \$25,527. (DEPT. OF PARKS AND RECREATION)
- N.** Request permission to increase purchase order # 2014-748, since it is advantageous to the City, issued to Sysco South Florida, Inc., to purchase food for EPI banquets for the rest of fiscal year 2013/14, by an additional amount of \$2,500, for a new total cumulative amount not to exceed \$3,500. (DEPT. OF PARKS AND RECREATION)
- O.** Request permission to increase purchase order # 2014-1444, since it is advantageous to the City, issued to Miami Impressions Screen Printing, Corp., to purchase shirts for part-time employees for the remainder of fiscal year 2013/14, by an additional amount of \$2,000, for a new total cumulative amount not to exceed \$3,636. (DEPT. OF PARKS AND RECREATION)
- P.** Proposed resolution authorizing the expenditure of Law Enforcement Trust Funds – *State*, in an amount not to exceed twelve thousand six hundred and eighty eight dollars (\$12,688.00) to support the 2014 Hialeah Police Cadet Summer Work Program, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)

- Q.** Proposed resolution authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into a Professional Agreement with Sharon Armesto, as a continuing contract, the duration of which is at the sole discretion of the City, to perform the services of Public Safety Communications Officer, a copy of which is attached hereto and made a part hereof as Exhibit “1”. (POLICE DEPT.)
- R.** Proposed resolution waiving competitive bidding requirements and authorizing the Mayor and City Clerk, on behalf of the City to enter into a three-year agreement, commencing December 1, 2014 and ending on November 30, 2017, with Sedgwick Claims Management Services, Inc., to provide administrative services for the City of Hialeah's Self-Insurance Program in the areas of auto liability, general liability, auto physical damage, police and fire professional liability, and workers' compensation for the City of Hialeah, Florida and further authorizing the expenditure of the sum of \$435,720.00 for the first year, \$448,792.00 for the second year and \$462,256.00 for the third year, payable in monthly installments, for services rendered under the agreement. (RISK MANAGEMENT)
- S.** Proposed resolution awarding bid no. 2013/14-0240-00-014 to the lowest responsive bid from a responsible company, Metropolitan Life Insurance Company, for basic life insurance and accidental death and dismemberment insurance coverage for City employees and retirees for a term of 3 years at a rate not to exceed \$0.385 per \$1,000 coverage for life insurance and \$0.028 per \$1,000 coverage for accidental death and dismemberment insurance with decreased rates for additional management and additional sworn police life insurance paid by the employee and retiree and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to negotiate and enter into an agreement, in a form acceptable to the City Attorney. (RISK MANAGEMENT)
- T.** Recommendation of Mayor Carlos Hernandez to appoint Miguel Anchia, Interim Fire Chief, to the City of Hialeah's Insurance Committee. (RISK MANAGEMENT)
- U.** Proposed resolution appointing Maria Toca as Adult Advisor to act as a liaison between community youth, the community at large and elected officials, to actively participate in all programs and activities under the auspices of the Youth Advisory Board and to perform all other duties as set forth in Hialeah Code § 2-614; and providing for an effective date. (MAYOR HERNANDEZ)
- 3.** Second reading and public hearing of proposed ordinance amending Chapter 70 entitled “Retirement and Pension”, Article IV. Employees General Retirement System, Division 1. generally of the Code of Ordinances and in particular, revising Hialeah Code § 70-96 entitled “Definitions”; amending Division 4, Membership and in particular revising § 70-203 entitled “Retirement Plans”, revising § 70-204 entitled “Termination of Membership”; “Effect of Reemployment”, and creating a new § 70-210 entitled “Member Contributions to Retirement Plan”; amending Division 5, Benefits, and in particular revising § 70-238 entitled “Service Retirement Allowance”, § 70-239 entitled “Vesting”, § 70-240 entitled “Optional Continuance of Group Insurance Coverage by Retirants”, § 70-242 entitled “Periodic Increases to Pensions” and § 70-249 entitled “Disability Benefits”; amending Division 7, Deferred Retirement Option Program (DROP), and in particular § 70-260 entitled “Eligibility”; repealing all ordinances in conflict herewith; providing for

penalties; providing for inclusion in the code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

This item was approved on first reading on May 13, 2014.

4. First reading of proposed ordinance amending Chapter 74 entitled "Signs", Article I. in general, of the Code of Ordinances amending the definition of Window Signs and amending Article III. Regulations, Division 1. Generally, Code § 74-149 entitled "LED Signs" to provide regulations for LED Window Signs within the City; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION).
5. Proposed resolution strongly supporting Florida East Coast Industries' Construction of a 235-mile passenger railroad train from Miami to Orlando. (COUNCILMAN PAUL HERNANDEZ)
6. License suspension/revocation hearing pursuant to Section 86-57(b) of the Hialeah Code. The Licensing Administrator has determined that licensee, Palm Market Corp. d/b/a El Flaco Supermarket, located at 4286 Palm Avenue, Hialeah, Florida 33012, has engaged or is engaging in conduct warranting the suspension or revocation of its business tax receipt. (LICENSE DIV.)
7. Board Appointments-
8. Unfinished Business-
9. New Business-
10. Comments and Questions-

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

PZ 1. Second reading and public hearing of proposed ordinance granting a Variance Permit to allow a replat of two substandard lots, the first lot having a width of 48 feet, more or less, where a minimum average width of 75 feet is required, a total area of 6,507 square feet, more or less, where a total area of at least 7,500 square feet is required and a corner side setback of 12.5 feet, where 15 feet are required, and the second lot having a width of 40 feet, more or less, where a minimum average width of 75 feet is required, and a total area of 5,539 square feet, more or less, where a total area of at least 7,500 square feet is required, contra to Hialeah Code §§ 98-347(4), 98-499, and 98-501. **Property located at 385 West 42 Street,**

Hialeah, Florida. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Artilleros, LLP*

There will be no action on this item as it needs to be re-advertised. The item will be before the City Council on second reading on June 10, 2014.

Item was placed on table on April 8, 2014 until the meeting of May 27, 2014 at the applicant's request.

PZ 2. Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) to allow the operation of a used cooking oil storage facility on property zoned M-1 (Industrial District) and granting a Variance Permit to allow 15 parking spaces, where 20 are required, and to allow all parking spaces to back out on to the street, where backout parking is only allowed in low density residential districts, contra to Hialeah Code §§ 98-2189(15) and 98-2190. **Property located at 720 West 26 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Viesel Fuel, LLC; Registered Lobbyist: Alejandro Vilarello, Esq.*

This item was approved on first reading on May 13, 2014.

Declaration of Restrictive Covenants on file in the Office of the City Clerk.

PZ 3. Recommendation of denial by the Planning and Zoning Official, upheld by the Planning and Zoning Board, of the rezoning from R-1 (One Family District) to R-2 (One and Two Family Residential District) and the granting of a Variance Permit to allow a duplex on a substandard lot, having a frontage of 50' (75' required), total area of approximately 6,651.50 feet (7,000 square feet required); total lot coverage of 39% (30% maximum lot coverage allowed), rear setback of 21.7' (25' required) and south side setback of 4.5' (7.5' required). Property located at **4655 East 4 Avenue, Hialeah.** *Applicant: Edward Garcia and Nitza Garcia.*

Item was placed on table on April 22, 2014, and on May 13, 2014 until the meeting of May 27, 2014 due to the applicant not being present.

PZ 4. Recommendation of denial by the Planning and Zoning Official, upheld by the Planning and Zoning Board, of a Conditional Use Permit (CUP) to allow a house of worship, and consider granting a variance permit to allow 17 parking spaces, 5 of them backing out into the street (118 parking spaces required and back-out parking only allowed in low density residential areas). Property located at **460 West 83 Street, Hialeah, Florida.** *Applicant: Biblico Puertas De Sion*

Item was placed on table on May 13, 2014 until the meeting of May 27, 2014.

PZ 5. First reading of proposed ordinance rezoning property from R-1 (One Family Residential District) to R-2 (One and Two Family Residential District) and granting a Variance Permit to allow a duplex on a substandard-sized lot having a width of 50 feet, where a minimum average width of 75 feet is required, having a total area of 6,750 square feet, more or less, where at least 7,500 square feet is required, to allow one of the units with a total floor area

of 428 square feet, where a minimum total floor area of 1,000 square feet is required, to allow a rear setback of 1.10 feet, where 25 feet are required, and a west side setback of 1.05 feet, where 7.5 feet are required, contra to Hialeah Code §§ 98-544, 98-546, 98-547(a) and 98-548. **Property located at 117 East 10 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Marisol Rodriguez Basuto*

PZ 6. First reading of proposed ordinance rezoning from GU (Interim District) to MH (Industrial District) and granting a Variance Permit to allow a Temporary Waiver of Plat, provided that the property will be replatted within 18 months from the grant of the waiver. **Property located on vacant land lying north of Northwest 138 Street (West 84 Street) between Northwest 105 Avenue and Northwest 107 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Javier Vazquez, Esq.*

PZ 7. First reading of proposed ordinance granting a Conditional Use Permit (CUP) to allow a motel with 43 rooms and allow a hotel with 34 rooms, pursuant to Hialeah Code §98-181(2)g., rezoning lots 33 and 34 from R-3 (Multiple Family District) to P (Parking District) to be used for overflow parking, granting a Variance Permit to allow a front setback from Okeechobee Road of 18.5 feet, where a minimum of 25 feet are required, and eliminating a west side street setback on Southeast 7 Avenue, where a minimum of 15 feet are required, contra to Hialeah Code §98-1834(a)(1) and §98-1834(a)(3), on property zoned C-2 (Liberal Retail Commercial District). **Property located at 699 East Okeechobee Road, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Ceasar Mestre, Esq.*

PZ 8. First reading of proposed ordinance vacating a portion of West 64 Street (Caroline Street), 110 feet wide, more or less, for a length of 246 feet, more or less, dedicated to the public for use as right-of-way pursuant to Richland Tracts Plat, as recorded in plat book 20, at page 12 and pursuant to right-of-way deed dated November 20, 1974, recorded in the public records of Miami-Dade County, Florida in official records book 8967, at pages 1128 through and including 1131. Property located west of West 21 Court, Hialeah, Florida, and more particularly described in the surveyor's legal description and location sketch attached hereto and made a part hereof as Exhibit "A". *Applicant: Leon Medical Center*

FINAL DECISIONS

FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 14-04 that granted adjustments on property located at **929 West 67 Street, Hialeah, Florida**; and providing for an effective date. *Applicants: Secundino & Lydia Gonzalez.*

Item was placed on table on April 8, 2014, April 22, 2014, and on May 13, 2014 until May 27, 2014 due to the applicant not being present.

- FD 2. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 14-06 that granted an adjustment to accommodate an aluminum roof terrace built without the benefit of a building permit on condition that the terrace remain open and the permit to legalize the improvements be finalized within 180 days on property located at **171 West 63 Street, Hialeah, Florida;** and providing for an effective date. *Applicants: Sudierky Companioni & Lisday De Armas*

Item was tabled on April 22, 2014 until the meeting of May 27, 2014 because the applicant was not present.

- FD 3. Proposed resolution upholding the final decision of the Planning and Zoning Board, Decision No. 14-08 that granted an adjustment on condition that the terrace remain an open terrace and that all improvements built without the benefit of a building permit be legalized within 180 days on property located at **3293 West 77 Place, Hialeah, Florida;** and providing for an effective date. *Applicants: Gonzalo Gonzalez & Lisandra Gonzalez*

There will be no action on this item as it needs to be advertised. The item will be before the City Council on June 10, 2014.

NEXT CITY COUNCIL MEETING: June 10, 2014 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: August 26, 2014 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).